

Serial No. 10/813,333

PATENT
Docket No. 75378.010800**REMARKS**

The Final Office Action issued by the Examiner and the citations referred to in the office action have been carefully considered. As a result, claims 9-15 have been canceled, claims 8, 16, 18, 20 and 23 have been amended and new claim 27 has been added.

The undersigned attorney thanks Examiner Lewin and Primary Examiner Crow for the courtesy of a telephonic interview on December 13, 2005 during which the cited prior art was discussed. A Request for Continuing Examination under 37 CFR § 1.114 is filed concurrently herewith, therefore the finality of the Office Action is respectfully requested to be withdrawn. Prompt reconsideration is urged in light of the above amendments and these remarks.

Specification Revisions

Paragraph 65 has been amended for consistency in reference to pivot 20 and to provide consistent terminology of piston cylinders 82. No new matter has been added.

Rejections under 35 USC 102(b) and 103

Claims 8, 9, 14, 16, 21, and 22 stand rejected under 35 USC 102(b) as anticipated by Jullien. Claims 23-26 stand rejected under 35 USC 102(b) as anticipated by Berne. Claims 18-20 stand rejected under 35 USC 103 as obvious over Jullien in view of von Othergraven. Claim 16 is rejected under 35 USC 103 as obvious over Jullien in view of Weiss. Note that all of these references require a resistance device to be attached **above** the pivot point of the exercise device. Amended claims 8, 16, and 23 set forth above are fully believed to patentably distinguish over the cited prior art references. Each of these independent claims requires the resistance cylinder to be attached to the stick below the pivot and above the base. This configuration is clearly not shown by any of the cited references. Accordingly, these independent claims are believed to now be fully allowable and such action is earnestly solicited. As claims 18, 20-22, and 24-27 depend from one of these independent claims, these claims are also believed to be allowable.


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Claims 8, 16, and 20-27 now remain pending in the application. This amendment is believed to be responsive to all points raised in the Office Action. It is respectfully submitted that all of the Examiner's current rejections have been successfully overcome and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 75378.010800 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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